

§ 310.1

32 CFR Ch. I (7–1–02 Edition)

AUTHORITY: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

SOURCE: 51 FR 2364, Jan. 16, 1986, unless otherwise noted. Redesignated at 56 FR 55631, Oct. 29, 1991.

Subpart A—DoD Policy

SOURCE: 65 FR 7732, Feb. 16, 2000, unless otherwise noted.

§ 310.1 Reissuance.

This part is reissued to consolidate into a single document (32 CFR part 310) Department of Defense (DoD) policies and procedures for implementing the Privacy Act of 1974, as amended (5 U.S.C. 522a) by authorizing the development, publication and maintenance of the DoD Privacy Program set forth by DoD Directive 5400.11,¹ December 13, 1999, and 5400.11–R,² August 31, 1983, both entitled: “DoD Privacy Program.”

§ 310.2 Purpose.

This part:

(a) Updates policies and responsibilities of the DoD Privacy Program under 5 U.S.C. 552a, and under OMB Circular A–130.³

(b) Authorizes the Defense Privacy Board, the Defense Privacy Board Legal Committee and the Defense Data Integrity Board.

(c) Continues to authorize the publication of DoD 5400.11–R.

(d) Continues to delegate authorities and responsibilities for the effective administration of the DoD Privacy Program.

§ 310.3 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense (IG, DoD), the Uniformed Services University of the Health Sciences, the Defense agencies, and the DoD Field Activities

(hereafter referred to collectively as “the DoD Components”). This part is mandatory for use by all DoD Components. Heads of DoD Components may issue supplementary instructions only when necessary to provide for unique requirements within their Components. Such instructions will not conflict with the provisions of this part.

(b) Shall be made applicable to DoD contractors who are operating a system of records on behalf of a DoD Component, to include any of the activities, such as collecting and disseminating records, associated with maintaining a system of records.

(c) This part does not apply to:

(1) Requests for information from systems of records controlled by the Office of Personnel Management (OPM), although maintained by a DoD Component. These are processed in accordance with OPM’s ‘Privacy Procedures for Personnel Records’ (5 CFR part 297).

(2) Requests for personal information from the General Accounting Office (GAO). These are processed in accordance with DoD Directive 7650.1,⁴ “General Accounting Office Access to Records,” September 11, 1997.

(3) Requests for personal information from Congress. These are processed in accordance with DoD Directive 5400.4,⁵ “Provisions of Information to Congress,” January 30, 1978, except for those specific provisions in Subpart E—Disclosure of Personal Information to Other Agencies and Third Parties.

(4) Requests for information made under the Freedom of Information Act (5 U.S.C. 552). These are processed in accordance with “DoD Freedom of Information Act Program Regulation” (32 CFR part 286).

§ 310.4 Definitions.

Access. The review of a record or a copy of a record or parts thereof in a system of records by any individual.

Agency. For the purposes of disclosing records subject to the Privacy Act among DoD Components, the Department of Defense is considered a single agency. For all other purposes to include applications for access and

¹Copies may be obtained: <http://web7.whs.osd.mil/corres.htm>.

²See footnote 1 to § 310.1.

³Copies may be obtained: EOP Publications, NEOB, 725 17th Street, NW Washington, DC 20503.

⁴See footnote 1 to § 310.1.

⁵See footnote 1 to § 310.1.